

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3101**

January 17, 2020

The Honorable Sonny Perdue  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

**Re: Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program**

Dear Secretary Perdue:

We are writing regarding our concerns with the U.S. Department of Agriculture (USDA) Food and Nutrition Service's (FNS) proposed rule entitled, "Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)." The proposed rule will harm millions of Americans struggling to make ends meet, and we are particularly concerned about its adverse health and economic consequences on American Indian/Alaska Native (AI/AN) children and families. Additionally, we have continued concerns about the administration's failure to adequately consult with Tribes about SNAP eligibility changes and overall policy development.

As you are aware, this rule change will drop an estimated 3.6 million people from the program, including 1.4 million people living under the federal poverty line and 680,000 households with children. Further, the rule change disproportionately impacts states with large populations of AI/ANs. For example, in North Dakota, 17 percent of SNAP households will lose their monthly SNAP assistance, creating a total loss of approximately \$231 per month. Additionally, 11 percent of Arizonan and 7 percent of New Mexican SNAP households will lose support, which includes more than 47,000 Arizonans and 17,000 New Mexicans who live under the poverty line.

Of significant concern to us is that the proposed rule fails to specifically outline how these changes will impact American Indian and Alaskan Native SNAP recipients, a group with the greatest levels of food insecurity, highest rates of poverty and unemployment, and highest burden of food-related health problems and chronic diseases in the country. Executive Order 12898 specifically directs agencies to develop strategies to identify and address the adverse health effects of programs, policies, and activities on minority and low-income populations; however, the administration appears to have failed to comply in this case. Even more alarmingly, FNS has failed to undertake adequate government-to-government consultation with Tribes on this harmful rule change.

AI/ANs are twice as likely to suffer food insecurity or have uncertain access to healthy foods due to the rural geographical locations of tribal communities. It is well-established that food insecurity increases risks for numerous chronic diseases such as obesity and diabetes that are

highly prevalent among AI/ANs. Native American youth in particular suffer higher relative rates of obesity, which can contribute to high rates of cardiovascular disease and diabetes, as well as poorer academic achievement, psychosocial functioning, and long-term economic losses. Proper nutrition and stable access to food are necessary to curb negative public health trends like these in Indian Country.

In terms of economic losses, FNS acknowledges in the proposed rule that eliminating broad-based categorical eligibility may “reduce the savings rates among those individuals who do not meet the income and resource eligibility requirements for SNAP.” Families with modest savings will no longer qualify for SNAP, and families eligible for or receiving SNAP will be discouraged from saving in order to protect their eligibility for benefits. This loss will be multiplied in tribal communities across the United States, as many reservations experience unemployment rates of 80 percent or higher due to geographic isolation, inadequate infrastructure and transportation options, and lack of access to employment opportunities that are easily accessible in urban areas. As a result, the direct impact of these economic losses will be absorbed by individual AI/ANs who are dropped from SNAP assistance through this rule change. The outcome would be a complete failure of the federal government’s trust responsibility to Tribes across the nation.

In 2010, nearly *one-quarter* of AI/ANs relied on SNAP food assistance programs compared to the 13 percent of non-Indians. AI/AN recipients who lose access to SNAP will likely turn to the Food Distribution Program on Indian Reservations (FDPIR) where it is available. However, FDPIR offers severely limited access to fresh fruit or vegetables, which are needed as preventative measures to stave off the risks of obesity and diabetes, as described above. Additionally, the FDPIR program is not available to all AI/ANs and is not adequately resourced for the likely sharp increase in demand resulting from SNAP access elimination.

FNS estimates that the proposed rule will result in a net reduction in federal spending of over \$9.3 billion, but these projections fail to factor in increases in federal spending for Indian Health Service (IHS), Medicaid, and Medicare as a result of increased food insecurity in tribal communities. Access to programs like SNAP is a preventative health measure that prevents the federal government from the unnecessary burden of hundreds of millions of dollars annually.

Lastly, but most importantly, USDA failed to uphold its federal trust responsibility under Executive Order 13175 to engage in meaningful consultation with tribal leadership on this SNAP eligibility policy change, which clearly and significantly impacts Indian Country. Although a meeting regarding this issue was held, it was initiated with improper notice to Tribes and tribal organizations that specialize on this issue. As a direct result, Tribes were unable to adequately provide beneficial feedback on these policy changes. This constitutes a failure on the Department’s part to uphold our solemn trust responsibility.

Current eligibility rules for SNAP—those reaffirmed in the 2018 Farm Bill—are extremely important to protect, especially as it relates to the health and wellbeing of AI/ANs. We therefore strongly oppose the rule and urge you to withdraw it in its entirety, given the proposed policy changes were made without proper tribal consultation. Additionally, we ask that you use your existing authority to dedicate resources to adequately support tribal communities in furtherance of the federal government’s government-to-government relationship with Native Nations. We thank you for your prompt attention to this urgent matter.

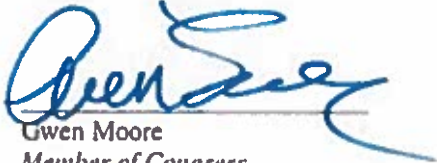
Sincerely,



Deb Haaland  
Member of Congress



Ann Kirkpatrick  
Member of Congress



Gwen Moore  
Member of Congress



Xochitl Torres Small  
Member of Congress



Ruben Gallego  
Member of Congress



Ben Ray Lujan  
Member of Congress



Tom O'Halleran  
Member of Congress



Raúl M. Grijalva  
Member of Congress